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U.S. Department of Agriculture

Food Safety and Inspection Service

Meat and Poultry Inspection Program

January 1983

Issuances of the Meat and Poultry Inspection Program

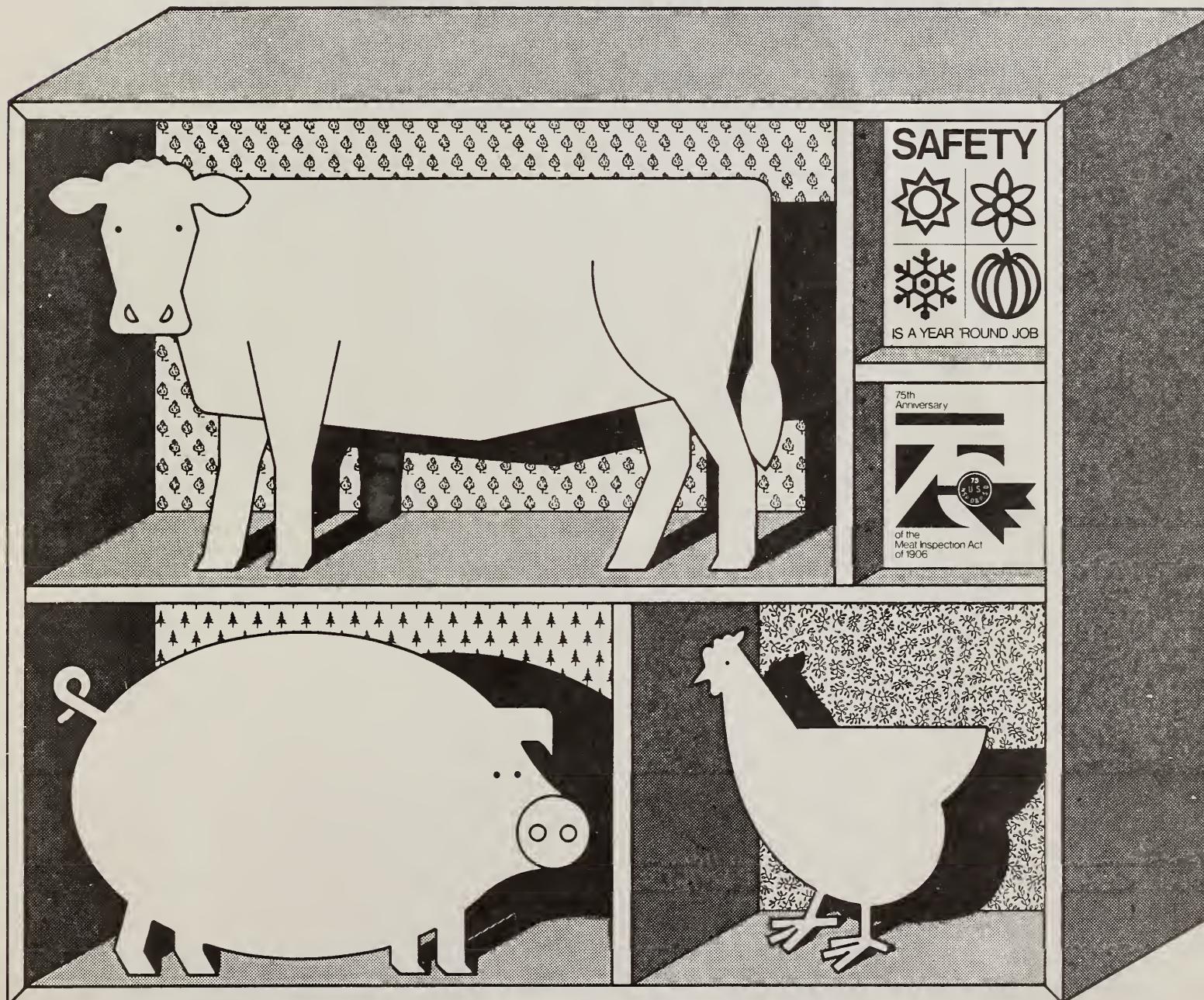
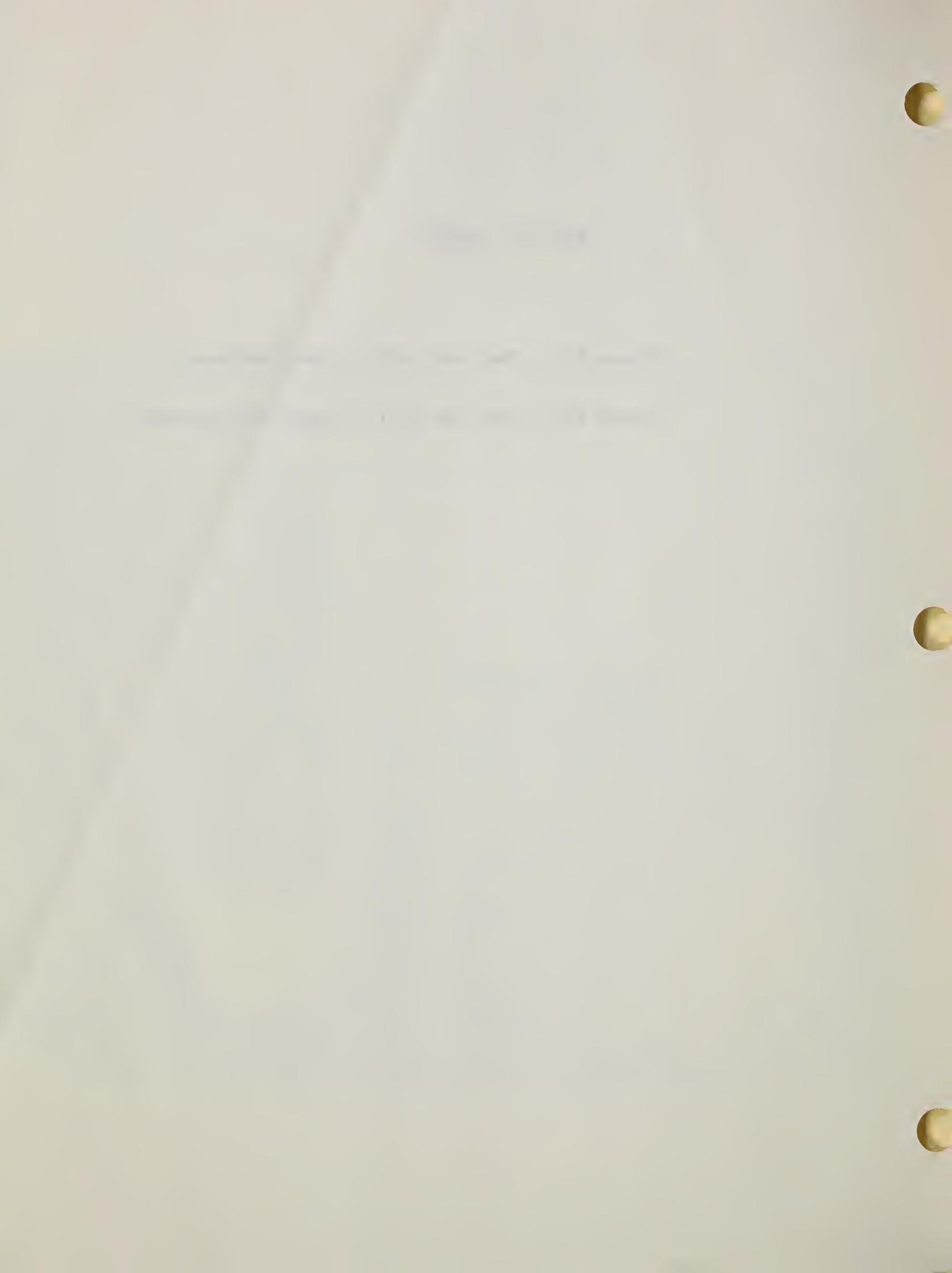


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UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, D.C. 20250

Meat and Poultry Inspection Manual

Date: January 1983

Change Number: 83-1

MAINTENANCE INSTRUCTIONS

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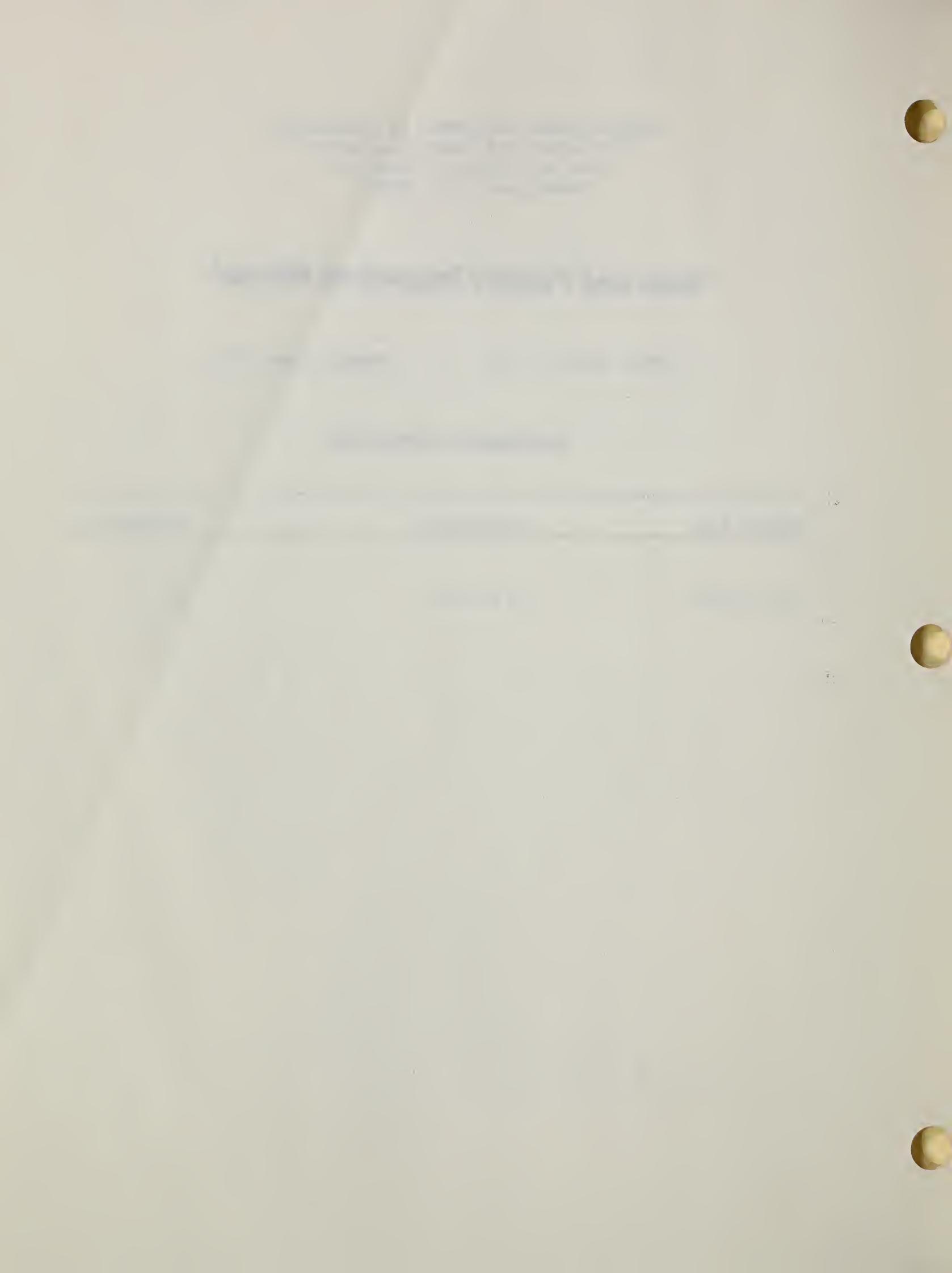
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PART 25
TRANSPORTATION

TRANSPORTATION

Subpart 25-A

(Regs: M-325; P-Subpart S)

25.1 CERTIFICATION (MEAT)

Certification is not necessary for interstate shipment of marked "U.S. Inspected and Passed" product from a federally inspected plant in plant's vehicles or by individuals in their own vehicles.

25.2 NONFEDERALLY INSPECTED PRODUCT

Nonfederally inspected wholesome meat or poultry products, shipped from one point in a State to another point in the same State, may pass through another State without violating the FMIA or PPIA.

25.3 RECORD REVIEW

Compliance officers shall review records of interstate carriers to determine regulation compliance (M-325). Records of railroads, airlines, truck lines, railway express agencies, and post offices shall be included.

Inspectors shall review plant's shipping papers to determine whether they meet all requirements. Annual reviews shall be made. Findings shall be reported to CS.

25.4 UNMARKED, RESTRICTED PRODUCT**(a) Sealing**

USDA seals shall be used to maintain identity of unmarked or restricted products. Breaking official seals without authority is prohibited.

(1) Vehicles. Before sealing, inspectors shall check for proper loading by examining bills of lading, loading schedules, and other available information, and determine that the first scheduled stop is at an official plant.

(2) Containers. Containers with restricted product shall be handled as required by 325.7 (MR).

(3) Notification. A completed MP Form 408, Request and Notice of Shipment of Sealed Meats/Poultry, shall accompany sealed shipments. Information listed on this form must fully describe the product it accompanies and identify the reason for sealing. The form should also include information that may assist the inspector receiving the product, i.e., pumping percentage pickups, partial or completed processes or treatments the product received, ingredient statements, lot numbers, etc. Whenever retain tags are required to go along with sealed product, inspectors shall record the tag numbers on the form.

A copy of MP Form 408 shall be securely attached inside sealed vehicles. On railway tank cars the copy shall be placed in a watertight protective envelope or bag and securely affixed to the tank with the official seal. Where possible, the envelope or bag containing the form should be

affixed under a tank's vent bonnet for protection. On tank trucks the form may be protected and secured similar to that for a tank car, or it may be placed in an envelope addressed to the destination inspector, sealed and sent along with the shipping papers carried by the driver of the sealed tank truck.

When an official seal is affixed to secure product, an MP Form 408-3, Warning Tag, shall accompany the seal.

(b) Seal Breaking

(1) Safety. To avoid injury, inspectors must break seals carefully. Plant employees may break Government seals under inspector's direct supervision only.

(2) Diversion. The origin establishment shall arrange for breaking seals when sealed vehicles are diverted en route.

25.5 NONARRIVAL OF SEALED PRODUCT

When a sealed shipment does not arrive in a reasonable time, the circuit supervisor shall notify the regional office by letter, giving information on kind of product, vehicle identification, origin establishment, and statement from the destination establishment concerning its knowledge of the transaction.

25.6 RETURN OF ALLEGED UNSOUND PRODUCT

Return of alleged unsound or misbranded federally inspected product between official plants shall be accomplished as follows:

a. The receiving inspector in charge shall relate all details of the shipment to his area supervisor. Whenever another area is involved, agreement between area supervisors must be reached for the return of each shipment. The receiving area supervisor will instruct his inspector if the shipment may be returned.

b. An inspector in charge instructed

to return a shipment shall complete MP Form 408, "Request and Notice of Shipment of Sealed Meat/Poultry." Comments concerning product condition or reason for return shall also be included on this form.

c. According to the usual circumstances involving each shipment, the inspector in charge should utilize the best means (official seal on vehicle, * or cross tape and stamp units). *

d. Area or circuit supervisor should make arrangements to have a supervisory inspector present to reinspect returned products.

Return of alleged unsound or misbranded federally inspected product from a nonofficial plant or location to an official plant shall be accomplished as required by regulations. (325.10).

25.7 ANIMAL FOOD

(a) Canned Product

MPI is responsible for assuring whether canned animal product is denatured or labeled as required (MR-325.11). FDA is responsible for interstate shipment of such product and its freedom from adulteration.

(b) Lungs

Livestock lungs, prepared at official plants and complying with 310.16 and 325.8 (MR), need not be sealed nor accompanied by MP Form 508 to qualify for certified animal food program.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, DC 20250

MEAT AND POULTRY INSPECTION REGULATIONS

Date: JANUARY 1983 Change Number: 83-1

MAINTENANCE INSTRUCTIONS

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SUBCHAPTER C - POULTRY PRODUCTS INSPECTION REGULATIONS

The effective date of these regulation changes is:

February 23, 1983

operation is conducted under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are not adulterated: And provided, further, That the poultry products sold in commerce are derived from poultry inspected and passed under the Act and such poultry products are not adulterated or misbranded at the time of sale (except that the official inspection legend shall not be used). (For the purposes of this subparagraph, a retail dealer is any person who sells poultry products directly to consumers as defined in paragraph (d)(2)(vi) of this section and whose sales of poultry products to household consumers constitute, in terms of dollar value, at least 75 percent of his total sales of poultry products.);

(2) The slaughter of poultry, and the processing of poultry products, by any person in any territory not organized with a legislative body, solely for distribution within such territory: Provided, That such poultry is sound and healthy and is slaughtered under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are not adulterated: And provided, further, That the poultry products are not adulterated or misbranded when so distributed (except that the official inspection legend shall not be used).

(3) The slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees: Provided, That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food, and the shipping containers of such poultry products bear the producer's name and address and the statement "Exempted-P.L. 90-492."

(4) The custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and the employees: Provided, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food: And provided, further, That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean and fit for human food, and the shipping containers of such poultry products bear the owner's name and address and the statement "Exempted-P.L. 90-492."

(5) The slaughtering of sound and healthy poultry and processing of poultry products therefrom in any State or territory or the District of Columbia by any poultry producer on his own premises with respect to poultry raised on his premises, and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations: Provided, That (i) in lieu of complying with all the adulteration provisions of the Act,

such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when so distributed; (ii) such poultry products when so distributed, bear (in lieu of labeling that would otherwise be required) the producer's name and address and the statement "Exempted-P.L. 90-492" and such poultry products are not otherwise misbranded; (iii) such producer and distributor do not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this subparagraph (5) or in subparagraph (6) of this paragraph; and (iv) neither such producer or distributor slaughters or processes the products of more poultry than allowed by paragraph (b) of this section.

(6) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boardinghouses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers: Provided, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by such processor; (ii) such poultry products when so distributed bear (in lieu of labeling that would otherwise be required) the processor's name and address and the statement "Exempted-P.L. 90-492" and such poultry products are not otherwise misbranded; (iii) such processor does not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this subparagraph (6) or in subparagraph (5) of this paragraph; and (iv) such processor does not exceed the volume limitation prescribed in paragraph (b) of this section.

(7) The operations and products of small enterprises (including poultry producers) not exempted under subparagraphs (1) through (6) of this paragraph that are engaged in any State or territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction; Provided, That (i) such poultry is sound and healthy when slaughtered and is slaughtered and/or cut up and handled under such sanitary standards, practices and procedures as result in the preparation of poultry products that are not adulterated when so distributed; and (ii) when so distributed, such poultry products are not misbranded (except that the official inspection legend shall not be used).

(b) No person qualifies for any exemption specified in paragraph (a) (5),

* (6), or (7) of this section if, in the current calendar year, such person:

* (1) Slaughters or processes the products of more than 20,000 poultry, or

* (2) Slaughters or processes poultry products at a facility used for

* slaughtering or processing poultry products by any one person, except when

* the Administrator grants such exemption after determining, upon review of a

* person's application, that such an exemption will not impair effectuating

* the purposes of the Act.

(c) The provisions of the Act and the regulations do not apply to any poultry producer with respect to poultry, of his own raising on his own farm, which he slaughters if:

- (1) Such producer slaughters not more than 1,000 poultry during the calendar year for which this exemption is being determined;
 - (2) Such poultry producer does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm; and
 - (3) None of such poultry moves in "commerce" (as defined in § 381.1).
 - (d) (1) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, in any State or organized territory, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments would be subject to such inspection provisions only because the State or territory is designated under paragraph 5(c) of the Act. (This exemption does not apply to establishments at which poultry products are processed for commerce.)
 - (2) For the purposes of subparagraph (1) of this paragraph:
 - (i) Operations of types traditionally and usually conducted at retail stores and restaurants include any processing of poultry products except canning of poultry products and except slaughtering of poultry unless such slaughtering is conducted at a retail store with respect to live poultry purchased by the consumer at the retail store and processed by the retail store operator in accordance with the consumer's instructions.
 - (ii) A normal retail quantity is any quantity of a poultry product purchased by a household consumer from a retail supplier that in the aggregate does not exceed 75 pounds. A normal retail quantity sold by a retail supplier to other than a household consumer is any quantity that in the aggregate does not exceed 150 pounds.
 - (iii) A retail store is any place of business where:
 - (a) The sales of poultry products are made to consumers only;
 - (b) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the Administration. This dollar limitation is a figure which will automatically be adjusted during the first quarter of each calendar year, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds \$500. Notice of the adjusted dollar limitation will be published in the Federal Register. 1/
 - (c) Only federally or State inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products;

1/ The dollar limitation currently in effect may be obtained by contacting Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-3219.

(§381.10(d)(2)(iv) continued)

(d) No sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and

(e) The processing of poultry products for sale is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(iv) A restaurant is any establishment where poultry products are processed only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment; only federally inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(v) A similar retail-type establishment is any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivision (iii) or (iv) of this subparagraph; or other establishment as determined by the Administrator in specific cases.

(vi) A consumer is any household consumer, hotel, or restaurant, or similar institution as determined by the Administrator in specific cases.

(3) Whenever any complaint is received by the Administrator from any person alleging that any retail establishment or restaurant claiming exemption under this paragraph (d) in any designated State or organized territory listed in § 381.221 that is also identified in § 381.224 as a jurisdiction that does not have or is not exercising adequate authority with respect to recordkeeping requirements, has been operated in violation of the conditions prescribed in this paragraph (d) for such exemption, and the Administrator, upon investigation of the complaint, has reason to believe that any such violation has occurred, he shall so notify the operator of the retail establishment or restaurant and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Administrator determines that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail establishment or restaurant would effectuate the purposes of the Act, the Administrator shall order the operator to maintain complete, accurate, and legible records of his total monthly purchases and of his total monthly sales of poultry and poultry products. Such records shall separately show total sales to household consumers and total sales to other consumers, and shall be maintained for the period prescribed in § 381.177. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

(4) The adulteration and misbranding provisions of the Act and the regulations other than the requirement of the official inspection legend, apply to articles which are exempted from inspection under this paragraph (d).

§ 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by

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